IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER,
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 20405 of 2004**

Between:

Vijawada Club regd. No. 24/1989 Tadepalli, Guntur District, rep by its Manager, P. Venkateswara Rao.

**..... PETITIONER**

AND

1. The Superintendent of Police, Guntur Guntur District.
2. The Inspector of Police, Managalagiri Police Station, Guntur District.
3. The Sub-Inspector of Police, Tadepalli Police Statiion, Guntur District.
4. The Dy. Inspector General Of Police Guntur Range, Guntru, Guntur District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction in the nature of Mandamus or otherwise directing the respondents to check, search or inspect the premises more particularly the card room of the petitioner club as per the orders in WP No. 10074/2004 dt 21-6-2004 and WPMP No. 20727/04 in WPNo. 15677/2004 dt 9-9-2004.

**Counsel for the Petitioner:MR.P.V.KRISHNAIAH**

**Counsel for the Respondent Nos.1 to 4: GP FOR HOME**

**The Court made the following :**

**ORDER:**

In the writ petition the petitioner is seeking a writ of Mandamus directing the respondents to check, search or inspect the premises more particularly the card room of the petitioner club as per orders in W.P.No.10074 of 2004 dated 21.06.2004 and W.P.M.P.No.20727 of 2004 in W.P.No.15677 of 2004 dated 09.09.2004.

Heard both sides.

It has been represented by the learned counsel for the petitioner and also by the learned Government Pleader for Home that the issue involved in this writ petition is squarely covered by a Judgment of Division Bench of this Court in Writ Appeal No.1167 of 2002, dated 29.07.2002, wherein it is held as follows:

> "Therefore, the police authorities cannot obstruct the writ petitioner-club from conducting card room where the members and guests of the writ petitioner's cultural center are allowed to play the game of rummy with stakes syndicate (thirteen card game). At the same time, we make it clear that the police is always at liberty to enter the premises and check as to whether the cultural center of the club is conducting card room where the members and guests of the petitioner's cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner's cultural center play other than the game of rummy with stakes syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered. The Writ Appeal is disposed of accordingly."

Following the same and for the reasons mentioned therein, the writ petition is disposed of in terms of the above decision of the Division Bench. However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-Association if they promote any illegal activity at the premises of the petitioner-Association. It is also made clear that in case any search or inspection is conducted in the premises of the petitioner, it should be done in the presence of the mediators, who are having respectable status in the society. No costs.

05.11.2004

Note: Issue C.C. by tomorrow.
(B/O)
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To

1. The Superintendent of Police, Guntur Guntur District.
2. The Inspector of Police, Managalagiri Police Station, Guntur District.
3. The Sub-Inspector of Police, Tadepalli Police Statiion, Guntur District.
4. The Deputy. Inspector General Of Police Guntur Range, Guntru, Guntur District.

5. 2CCs to the G.P. for Home, High Court Buildings, Hyderabad (OUT).

6. 2CD copies